

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE PORK ANTITRUST LITIGATION

Case No. 0:18-cv-01776-JRT-HB

This Document Relates To:
Direct Purchaser Plaintiffs actions

**DECLARATION OF MELISSA S.
WEINER IN SUPPORT OF MOTION
OF DIRECT PURCHASER
PLAINTIFFS TO APPOINT
INTERIM CO-LEAD COUNSEL**

Declarant, Melissa S. Weiner, states and alleges as follows:

1. I am a partner in the law firm of Pearson, Simon & Warshaw, LLP (“PSW”), attorneys of record for Plaintiff Maplevale Farms, Inc., in the case styled as *Maplevale Farms, Inc. v. Agri Stats, Inc., et al.*, Case No. 1:18-cv-01803 (D. Minn.) (“*Maplevale*”), which has been related in this District to other antitrust lawsuits filed by purchasers of pork in the United States.

2. I am admitted to practice in all courts in the State of Minnesota as well as the United States District Court for the District of Minnesota and District of Colorado. I respectfully submit this declaration in support of the motion to appoint PSW and Lockridge Grindal Nauen PLLP as Interim Co-Lead Class Counsel for a class of direct purchasers of pork in the United States. Except as otherwise noted, I have personal knowledge of the facts set forth in this declaration, and could testify competently to them if called upon to do so.

3. PSW has successfully represented employees, independent contractors, and consumers in a variety of complex litigation and class action matters. Members of the firm have served in lead, management, discovery, and coordinating capacities in numerous collective actions, class actions, MDLs, and other complex litigation matters.

4. The firm brings to the table a wealth of class action experience. PSW has extensive experience in the litigation, trial, and settlement of class actions in complex antitrust, consumer fraud and product defect cases. If the Court appoints my firm as co-lead counsel in this litigation, PSW will devote the necessary resources and staff to support its leadership.

5. I am one of the attorneys responsible for handling this matter and am personally willing to dedicate the time and resources necessary to successfully adjudicate this case on behalf of direct purchaser plaintiffs as part of the co-lead counsel team.

6. Over the course of my career, I have successfully argued numerous dispositive motions, litigated a multitude of complex issues, and negotiated and implemented several class settlements. I have served in management and coordinating capacities related to fact discovery, dispositive motions, law and briefing and expert discovery in a number of high profile cases including the following:

- a. *In re Santa Fe Natural Tobacco Co. Mktg & Sales Practices Litig.*, Court File No. 1:16-md-2695 (D.N.M.) (Chair of the Plaintiffs' Executive Committee in case alleging deceptive labeling of cigarettes as "natural," "additive free," and "organic");

- b. *Martin et al. v. Cargill, Inc.*, Court File No. 1:14-cv-00218-LEK-BMK (D. Haw.) (appointed co-class counsel in nationwide consumer class action stemming from allegedly deceptive labeling of sweetener product as “natural”);
- c. *Martin et al. v. Cargill, Inc.*, Court File No. 1:14-cv-00218-LEK-BMK (D. Haw.) (appointed co-class counsel in nationwide consumer class action stemming from allegedly deceptive labeling of sweetener product as “natural”);
- d. *Gay et al. v. Tom’s of Maine, Inc.*, Court File No. 0:14-cv-60604-KMM (S.D. Fla.) (appointed co-class counsel in action arising from allegedly deceptive labeling of cosmetic products);
- e. *Parm v. Bluestem Brands, Inc.*, Court File No. 0:15-cv-03437-JRT-BRT (D. Minn) (appointed co-interim lead counsel in consumer class action against the operator of an online marketplace allegedly targeting low-income consumers and building hidden finance charges into the prices of the items, as well as charges usurious rates of interest);
- f. *Ritchie, et al. v. Windsor Window Company, et al.*, Court File No. 2:16-md-02688-LA (E.D. Wis.) (appointed to Plaintiffs’ Steering Committee in a multidistrict litigation relating to allegedly defective windows); and

g. *In Re Samsung Top-Load Washing Machine Mktg., Sales Practices and Products Liab. Litig.*, Court File No. 5:17-ml-02792-D) (W.D. Okla.) (appointed to Plaintiffs' Steering Committee in a multidistrict litigation in an action arising out of allegedly defective top-load washing machines that allegedly leak and explode with use).

7. My present experience as Chair of the Plaintiffs' Executive Committee in the nationwide multidistrict litigation proceeding before the Honorable James O. Browning in the United States District Court for the District of New Mexico: *In re Santa Fe Natural Tobacco Co. Mktg & Sales Practices Litig.*, Court File No. 1:16 md-2695 (D.N.M.) is particularly demonstrative of my leadership capabilities. In that action, I manage all common benefit work responsibilities and actively direct fact-related discovery. Additionally, I presented oral argument at the two-day hearing on Defendants' Motion to Dismiss, which resulted in a favorable opinion for the proposed class.

8. I graduated from William Mitchell College of Law in 2007, after which I served as a judicial law clerk for the State of Minnesota, Fourth Judicial District. I began working in private practice in 2009. Each year since 2012, I have been named a *Super Lawyer* Rising Star by Minnesota Law & Politics.

9. My experience and qualifications are further set forth in the PSW Firm Resume, attached to the concurrently filed Affidavit of W. Joseph Bruckner Describing Exhibits Submitted in Support of Motion of Direct Purchaser Plaintiffs to Appoint Interim Co-Lead Counsel as Exhibit E.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 26, 2018, at Minneapolis, Minnesota.

s/ Melissa S. Weiner

Melissa S. Weiner